

FEB - 3 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

1 STEPHEN J. NUTTING, ESQ.  
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4 Attorney for Defendants

5 UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN MARIANA ISLANDS  
7

8 LI YING HUA, LI ZHENG ZHE and XU  
9 JING JI,

CASE NUMBER CV 05-0019

10 Plaintiffs,

11 vs.

**AFFIDAVIT OF STEPHEN J. NUTTING IN  
SUPPORT OF MOTION TO WITHDRAW**

12 JUNG JIN CORPORATION, a CNMI  
13 corporation, ASIA ENTERPRISES INC.,  
14 a CNMI corporation, PARK HWA SUN  
and KIM HANG KWON,

**DATE:** MAR - 9 2006  
**TIME:** 9:00 A.M.

15 Defendants.  
16

17  
18 COMES NOW, Stephen J. Nutting, attorney for the defendants in the above-entitled cause  
19 to hereby swear and affirm under penalty of perjury as follows:

20 1. I was retained by the defendants to represent them in an FLSA action filed in the  
21 above-entitled matter.

22 2. Under the terms of the agreement defendants paid an initial retainer and agreed to pay  
23 \$200 per hour for all time I spent in the defense of this case.

24 3. During the course of my representation, defendants have not made any further  
25 payment of attorneys fees beyond the initial retainer and are now substantially in arrears on their  
26 account with my office.

27 4. Additionally, on the morning of January 24, 2006, I was advised that the defendant  
28

1 Park Hwa Sun, who is also the representative of defendant Jung Jin Corporation, has left the island  
2 of Saipan. On information and belief, the defendant Park Hwa Sun does not intend to return to the  
3 island of Saipan.

4 5. On January 31, 2006, I met with the defendant Kim Hang Kwon. We discussed the  
5 status of the case and his outstanding account. I was advised that Mr. Kim did not have any funds  
6 to continue paying attorneys fees or costs in this matter, and that he did not believe that he would be  
7 able to obtain any funds to pay for my fees.

8 6. After much discussion, it was agreed that I would move to withdraw as counsel for  
9 all of the defendants in the above-entitled matter.

10 7. Defendant Kim Hang Kwon has decided that rather than incurring additional  
11 substantial legal fees in this case, it would be better for him to represent himself and to act on behalf  
12 of his company, Asia Enterprises Inc.

13 8. If this motion is granted, all future service of process in this matter may be made on  
14 Mr. Kim Hang Kwon at P.O. Box 503448, Saipan, MP 96950 and he may be reached at telephone  
15 numbers 483-4321 or 235-4321.

16 9. I do not have contact information for Ms. Park Hwa Sun. Ms. Park was my only  
17 contact in dealing with issues related to Jung Jin Corporation. Without her assistance I cannot  
18 provide prepare or defend Ms. Park personally or the corporation.

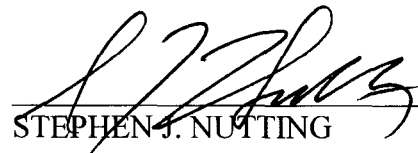
19 10. Counsel for the plaintiffs has scheduled multiple depositions and made requests for  
20 extensive discovery. He further indicates filing motions for summary judgment against each of the  
21 defendants, if that motion is unsuccessful, this case will undoubtedly proceed to a lengthy trial.

22 11. As a sole practitioner, if I am required to represent the defendants without being  
23 compensated, my practice will suffer an unreasonable, financial burden.

24 12. For all the foregoing reasons, I respectfully request that I be allowed to withdraw as  
25 counsel for the defendants, and all of them.

1 I hereby swear and affirm that the foregoing is true and correct and that I am competent to  
2 testify as to all matters stated herein. This declaration is made at Saipan, Commonwealth of the  
3 Northern Mariana Islands.

4  
5 Respectfully submitted this 3<sup>rd</sup> day of February, 2006.

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8   
9 STEPHEN J. NUTTING